

REMARKS

Claims 2, 5, 8-9, and 12-16 are pending in the present Application. In the Office Action of August 15, 2001, the Examiner rejected the claims under 35 U.S.C. §102(b) and §103(a). Applicant respectfully responds to the Office Action as follows:

1. Rejection of Claims 2, 5, 8-9, and 12-14 under 35 U.S.C. § 102(b)

The Examiner rejected claims 2, 5, 8-9, and 12-14 under 35 U.S.C. §102(b) as being anticipated by U.S. patent No. 5,598,416 issued to Yamada et al. (Yamada, hereinafter). Applicant respectfully traverses this rejection.

Regarding claims 5, 9, 14, and 16, Applicant respectfully submits that Yamada does not disclose *a modulator that modulates the spread spectrum data in accordance with a code channel selection signal that is determined in accordance with a subset of bits of the received data*, as explicitly claimed in claims 5, 9, 14 and 16. In Yamada, there is no mention of modulation in accordance with some bits of input data. Yamada only discloses a data converter circuit that “adds the control signal to the speech/data/video signal to form a frame, before sending the result to the modulator circuit, which “is modulated by using one of various modulation methods.” (Col. 3, lines 16-20).

Regarding claims 2, 8, 13, and 15, Applicant respectfully submits that Yamada does not disclose *upconverting the modulated data for transmission at a frequency determined in accordance with a selection signal that is determined in accordance with a subset of bits from the received data*, as explicitly claimed in claims 2, 8, 13, and 15. In Yamada, there is no mention of upconversion by a frequency determined in accordance with some bits of input data. Yamada only discloses the “signal supplied from the modulator circuit 37 is converted in the transmitter circuit 38 to have a desired carrier frequency. . . .” (Col. 3, lines 20-23).

Regarding claim 12, Applicant respectfully submits that Yamada does not disclose *a modulator that modulates the spread spectrum data in accordance with a code channel selection signal that is determined in accordance with a subset of bits of the received data*, as explicitly claimed in claim 12. Nor does Yamada disclose *upconverting the modulated data for transmission at a frequency determined in accordance with a selection signal that is determined in accordance with a subset of bits from the received data*, as explicitly claimed in claim 12.

Therefore, since Yamada does not disclose at least the above-discussed limitations, Applicant respectfully requests the Examiner to withdraw this rejection.

2. Rejection of Claims 15-16 under 35 U.S.C. § 103(a)

The Examiner rejected claims 15-16 under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of U.S. patent No. 5,582,630 issued to Langberg et al. (Langberg, hereinafter). Applicant respectfully traverses this rejection.

As discussed above, Yamada does not disclose all limitations of claims 15-16. However, Langberg does not disclose what Yamada fails to disclose. Therefore, since neither Yamada nor Langberg disclose at least the above-discussed limitations, Applicant respectfully requests the Examiner to withdraw this rejection.

CONCLUSION

Applicant believes to have responded to each and every rejection in the Office Action dated August 15, 2001. Applicant respectfully requests reconsideration and allowance of claims 2, 5, 8-9, and 12-16.

Applicants do not believe that any fees are due with this response. If, however, it is determined that fees are owed, please charge any such fees or overpayments to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 11/15/01

By: Abdollah Katbab

Abdollah Katbab
Attorney for Applicant
Registration No. 45,325

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4132
Facsimile: (858) 658-2502